

**ZONING COMMITTEE  
MINUTES  
WEDNESDAY, OCTOBER 31, 2012**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, October 31, 2012** in Committee Room #2, at 9:34 a.m.

The following members were present:

**The Honorable Alex Wan, Chair  
The Honorable Keisha Lance Bottoms, Vice Chair  
The Honorable H. Lamar Willis  
The Honorable Carla Smith**

The following members were absent:

**The Honorable Howard Shook  
The Honorable Aaron Watson  
The Honorable Ivory Lee Young, Jr.**

Others present at the meeting were: Charletta Wilson-Jacks, Zoning Administrator; Department of Planning and Community Development; City Attorney Lem Ward, Law Department and members of the public and Council staff.

**A. ADOPTION OF AGENDA - ADOPTED**

**B. APPROVAL OF MINUTES - APPROVED**

**CONSENT AGENDA**

**C. ORDINANCES FOR FIRST READING**

**12-O-1433 ( 1)  
Z-12-36**

An Ordinance by Zoning Committee to rezone from the R-3 (Single-Family Residential) District to the MR-3 (Multi-Family Residential) District, property located at **3519 Roxboro Road, NE**, fronting approximately 46 feet on the east side of Roxboro Road beginning 24 feet from the northeast corner of Kingsboro Road.

Depth: Approximately 187 Feet  
Area: Approximately 0.50 Acre  
Land Lot: 9, 17<sup>th</sup> District, Fulton County, Georgia  
Owner: Mark G. Millsaps  
Applicant: Rex K. Bray

**NPU-B**

**Council District 7**

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE**

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**C. ORDINANCES FOR FIRST READING (CONT'D)**

12-O-1434 ( 2)  
**Z-12-37** An Ordinance by Zoning Committee to rezone from the I-2 (Heavy Industrial) District/BeltLine Overlay District to the MRC-1 (Mixed Residential Commercial) District/BeltLine Overlay District, property located at **791 Ralph McGill Boulevard, NE**, fronting approximately 50 feet on the southeast side of Ralph McGill Boulevard beginning 50 feet from the southwest corner of the area designated as the BeltLine.

Depth: Varies  
Area: Approximately 0.172 Acre  
Land Lot: 18, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Carie A. Davis and Russell J. Kroll  
Applicant: Carie A. Davis and Russell J. Kroll

**NPU-M**

**Council District 2**

**FAVORABLE – TO BE REFERRED TO ZRB AND ZONING COMMITTEE**

12-O-1435 ( 3)  
**Z-12-38** An Ordinance by Zoning Committee to rezone from the PD-H (Planned-Development-Housing) District to the PD-H (Planned-Development-Housing) District, for a change of conditions, property located at **908-930 Canterbury Lane at Canterbury Road**, fronting approximately 375 feet on the north side of Canterbury Road beginning approximately 7.41 feet from the northwest corner of Lenox Road.

Depth: Varies  
Area: Approximately 1.342 Acres  
Land Lot: 9, 17<sup>th</sup> District, Fulton County, Georgia  
Owner: Lenox Canterbury II, LLC  
Applicant: Rex K. Bray

**NPU-B**

**Council District 7**

**FAVORABLE – TO BE REFERRED TO ZRB AND ZONING COMMITTEE**

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### C. ORDINANCES FOR FIRST READING (CONT'D)

12-O-1436 ( 4)  
**U-12-20**

An Ordinance by Zoning Committee granting a Special Use Permit for a Nightclub pursuant to Section 16-181.007 (3)(a) of the Zoning Ordinance property located at **34 Irby Avenue, NW**, fronting approximately 32 feet on the north side of Irby Avenue beginning approximately 64 feet from the northeast corner of Irby Avenue and Early Street.

Depth: Varies  
Area: Approximately 0.273 Acre  
Land Lot: 99, 17<sup>th</sup> District, Fulton County, Georgia  
Owner: First Security and Exchange Partnership, LLP  
Applicant: Dewayne N. Martin  
**NPU-B Council District 8**

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE**

12-O-1437 ( 5)  
**U-12-22**

An Ordinance by Zoning Committee granting a Special Use Permit for a Personal Care Home pursuant to Section 16-06.005 (l)(g) of the Zoning Ordinance property located at **606 Flat Shoals Avenue, SE**, fronting approximately 166 feet on the east side of Flat Shoals Avenue and approximately 225 feet on the south side of Newton Avenue at the intersection of Flat Shoals Avenue and Newton Avenue.

Depth: Varies  
 Area: Approximately 0.857 Acre  
 Land Lot: 176, 15<sup>th</sup> District, Dekalb County, Georgia  
 Owner: Willie Mae Johnson  
 Applicant: Kimberly Castling and Erika Brown  
**NPU-W Council District 5**

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE**

12-O-1438 ( 6)  
**U-12-23** An Ordinance by Zoning Committee granting a Special Use Permit for a Community Center pursuant to Section 16-05.005 (l)(k) of the Zoning Ordinance property located at **130 West Paces Ferry Road, NW**, fronting approximately

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**C. ORDINANCES FOR FIRST READING (CONT'D)**

1,024.74 feet on the southwest side of West Paces Ferry Road at the southwest intersection of Slaton Drive.

Depth: Approximately 1,714 Feet

Area: Approximately 33.0 Acres

Land Lots: 99 and 114, 17<sup>th</sup> District, Fulton County, Georgia

Owner: Atlanta Historical Society, Inc.

Applicant: Atlanta History Center

**NPU-B**

**Council District 8**

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE**

12-O-1439 ( 7)  
**U-12-24**

An Ordinance by Zoning Committee granting a Special Use Permit for a Processing Facility pursuant to Section 16-17.005 (l)(w) of the Zoning Ordinance property located at **2420 Fisher Avenue, NW**, fronting approximately 10 feet at the easterly termination of Marietta Road, NW.

Depth: Varies

Area: Approximately 39.06 Acres

Land Lots: 243 and 254, 17<sup>th</sup> District, Fulton County, Georgia

Owner: Georgia Waste Systems, Inc.

Applicant: Gene Barnes

**NPU-D**

**Council District 9**

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE**

12-O-1440 ( 8)  
**U-73-51  
(TR-12-002)**

An Ordinance by Zoning Committee to amend Ordinance 95-O-0546 (U-73-51) as adopted by the City Council on May 1, 1995 and approved by the Mayor on May 8, 1995 for the purposes of approving a Transfer of Ownership for a Special Use Permit for a Day Care Center for property located at 690 Bolton Road, NW; and for other purposes.

**FAVORABLE - TO BE REFERRED TO ZONING COMMITTEE**

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**REGULAR AGENDA**

**D. ZRB SUMMARY REPORT**

**E. PAPERS HELD IN COMMITTEE**

10-O-0013 ( 1)     An Ordinance by Councilmember Aaron Watson **as**  
**Z-07-113**           **substituted and amended by Zoning Committee** to rezone from  
the I-1-C (Light Industrial-Conditional) District to the MRC-3  
(Mixed Residential Commercial) District, property located at **430**  
**and 460 Englewood Avenue, SE**, fronting approximately 678 feet  
on the north side of Englewood Avenue beginning approximately  
132 feet from the northeast corner of Mailing Avenue.  
**(Substituted as amended and held 1/13/10 at the request of**  
**the District Councilmember)**

Depth:            Approximately 1,010 Feet

Area:             Approximately 10.32 Acres

Land Lot:        42, 14<sup>th</sup> District, Fulton County, Georgia

Owner:           JWGST LLC/Joseph Wiles

Applicant:       Jason Fritz

**NPU-Y**

**Council District 1**

**HELD**

11-O-0533 ( 2)     An Ordinance by Councilmember Natalyn Mosby  
**Z-11-12**           **Archibong as substituted (#2) by Zoning Committee** to amend  
Section 16-32B of the 1982 Zoning Ordinance of the City of Atlanta  
by amending the existing NC-2 East Atlanta Village Business  
Neighborhood Commercial District; and for other purposes.  
**(Substituted and held 6/13/12)**

**HELD**

11-O-0692 ( 3)     An **Amended** Ordinance by Zoning Committee granting a  
**U-11-16**           Special Use Permit pursuant to Section 16-28.023 (2)(c)(3) and  
Section 16-28.027 (3)(c) of the City of Atlanta Zoning Ordinance for  
a Transfer of Excess Development Rights. Said use is granted to  
Atlanta BeltLine, Inc. (Recipient Parcel) its successors, assigns and  
all subsequent owners and are to be transferred from the **544**  
**North Angier Avenue, NE (Donor Parcel)**. **(Referred back by Full**  
**Council 7/18/11) (Amended and held 7/27/11)**

**HELD**

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**E. PAPERS HELD IN COMMITTEE (CONT'D)**

11-O-0693 ( 4)  
**U-11-17** An **Amended** Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16-28.023(2)(c)(3) and Section 16-28.027 (3)(c) of the City of Atlanta Zoning Ordinance for a Transfer of Excess Development Rights. Said use is granted to Atlanta BeltLine, Inc. (Recipient Parcel) its successors, assigns and all subsequent owners and are to be transferred from **641 (C 665) North Avenue, NE (Perlman Tract) (Donor Parcel)**. **(Referred back by Full Council 7/18/11) (Amended and held 7/27/11)**

**HELD**

11-O-0824 ( 5) An Ordinance by Zoning Committee to amend Section 6-4028 and to create Section 6-4028.1 of the Land Development Code, Part III of the Code of Ordinances, so as to change the Deferral Fee for Variance and Special Exception Applications before the Board of Zoning Adjustment to a flat fee for each instance that the Board grants an applicant's request for deferral to a subsequent public hearing on the application; and for other purposes. **(Held 6/15/11) (Public Hearing held 5/2/12)**

**HELD**

11-O-0857 ( 6)  
**U-11-18** An **Amended** Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16-28.023 (2)(c)(3) and Section 16-28.027 (3)(c) of the City of Atlanta Zoning Ordinance for a Transfer of Excess Development Rights. Said use is granted to Atlanta BeltLine, Inc., (Recipient Parcel) its successors, assigns and all subsequent owners and are to be transferred from **690 Morgan Street, NE**, (a.k.a. 0 North Avenue Tax Parcel Identification 14-0018-0001-026-5), **(Donor Parcel)**. **(Referred back by Full Council 7/18/11) (Held 7/27/11)**

**HELD**

**LINK TO ZRB PENDING LEGISLATION**

<http://citycouncil.atlantaga.gov/2011/pendingzrb.htm>

**SUMMARY REPORT**  
October 31, 2012

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM	NPU RECOMM	ZRB RECOMM
<b>FAVORABLE</b>						
as amended						
12-O-1153	U-12-18	1044 Roxboro Drive, N.E. B-7	Special Use Permit for Community Swim and Tennis Club	Approval Conditional	Approval	Approval Conditional
12-O-1036	Z-12-25	1524 Hannah Street, S.E. Y-1	I-1 to O-I-C	Approval Conditional	Approval Conditional	Approval Conditional

Councilmember Smith made a motion to approve as amended. The vote was unanimous.

**FILE**

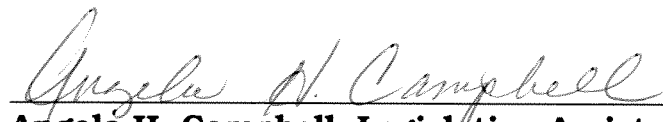
12-O-1262	Z-12-32	2760 Lenox Road, N.E.	RG-3-C to RG-	File	Deferral	File
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Councilmember Smith made a motion to file. The vote was unanimous.


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**There being no further business to come before the Zoning Committee the meeting was adjourned at 9:38 a.m.**

**Respectfully submitted:**

  
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**Angela H. Campbell, Legislative Assistant**

  
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**Steve Tam, Research & Policy Analyst**

  
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**The Honorable Alex Wan, Chair**